

## REMARKS/ARGUMENTS

The Applicants believe that the logic used by the Examiner to support the final rejections is in error on at least two points: (1) an apparent lack of familiarity with plastic film technology and terminology; and (2) failure to understand the inherency underlying the rejections. The first point is exemplified in the Examiner's interpretation of "cast film" as a film solidified in a mold when the term "cast film" is a term used in the art for 40 years or more to refer to a chilled roll process (or the film made by such a process). *See, e.g.,* the attached excerpt from F. Rodriguez, "Principles of Polymer Systems," McGraw-Hill (1970), pages 326-28. The Applicants believe that such apparent unfamiliarity with film processing results in the Examiner's failure to apprehend the well-known fact that the film process conditions are adjusted in order to obtain the characteristics required by the intended use of the film. Because the Examiner has failed to apprehend the extent that intended use affects the conditions of a process for making a stretch film, he has failed to give appropriate weight to the intended use language.

The second point is related to the first point. The pending claims are to a method to improve the cling force of a stretch wrap film. The cited prior art does not explicitly describe methods of making stretch wrap films, much less improving the cling force of such a film. However, because the Examiner has not given proper weight to the intended use as a stretch wrap film, and is apparently unaware that such a use requires different process conditions than alternative uses of the films, he is likewise unaware that he is extending the teaching of the prior art beyond what is explicitly disclosed and is therefore relying on inherency.

The Applicants therefore request the Examiner to reconsider the prior arguments, repeated below, in view of the above points.

Claims 1-8 were rejected on a 35 U.S.C. § 102(b) as being anticipated by Matteodo (U.S. 5,132,344). The Examiner states that Matteodo teaches film blowing a composition containing a first linear low density polyethylene resin and 100 ppm by weight of zinc oxide particles having a mean particle size of 0.05 microns. The Examiner states that the intended use language in Claim 1 is only given patentable consideration to the extent that it affects the claimed method. The Examiner later states that the film forming process of Matteodo would result in a film that would inherently have stretch wrap film properties. The Applicants respectfully traverse this rejection.



Matteodo fails to teach all of the claim limitations of the pending claims, either expressly or inherently. Specifically, Matteodo fails to teach or suggest that the formed film is a stretch wrap film. Furthermore, in contrast to the Examiner's position, the process disclosed in Matteodo would not inherently result in stretch wrap film properties. Inherency of an undisclosed element can only be established by showing that inherency is necessary and inevitable and not merely possible or even probable. See *Interchemical Corp. v. Watson*, 111 USPQ 78, 79(d) (D.C. 1956), *aff'd* 116 USPQ 119 (D.C. Cir. 1958). However, as well-known in the art, "The properties of a stretch film obtained are dependent upon a large number of variables, such as the extrusion process, film thickness, monolayer or multilayer film, cooling rate, blow up ratio and stretch ratio." See U.S. 6,413,346 B1, column 1, lines 23-26. In addition, as also well-known in the art, the stretch films are normally subjected to downstream orientation processes such as tenter frames or a double bubble process. As Matteodo fails to teach that they control these variables such that a stretch film will be achieved, the film of Matteodo is not necessarily and inevitably a stretch film. Therefore, the Examiner's statement that the Matteodo film is inherently a stretch film is an error. Consequently, the disclosure of Matteodo does not teach all of the limitations of the current claims and, as such, fails to anticipate the current claims under § 102(b).

Claims 1-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by McKinney (U.S. 4,430,289). As in the above rejection, the Examiner states as to Claims 1 and 5 that the intended use language is only given patentable consideration to the extent that it affects the claimed method. Again, the Examiner relies on inherency to argue that the film of McKinney has stretch wrap film properties. The Applicants believe that the inherency arguments stated above hold equally well to this rejection. Furthermore, the objective of the McKinney process is actually the opposite of the currently claimed method. McKinney discloses blown films having reduced block and reduced slip. See the Abstract. McKinney defines blocking as the tendency of film to stick to itself and slip as the coefficient of sliding friction. In other words, McKinney is trying to prevent adjacent layers of the film from sticking to each other. In contrast, the current claims are a method to improve the cling force of a stretch wrap because "two stretch film layers should cling together with an adequate level of cling force to prevent the stretch film from unwrapping during handling and transportation." See page 1 of the current disclosure, lines 5



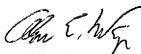
and 6. Clearly, the stretch wrap properties of the current invention are not only not inherent in McKinney, but the improved cling force is actually contrary to the teachings of McKinney. Therefore, current Claims 1-6 are not anticipated by McKinney et al.

The Examiner rejected Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over McKinney in view of Ealer (U.S. 4,594,213). The Applicants traverse this rejection because of the failure of McKinney to expressly or inherently disclose all elements of Claim 5 to which Claim 8 is dependent.

The Applicants believe that the claims are patentable for the reasons stated above. The Applicants therefore request that the Examiner reconsider and withdraw his rejections and issue a Notice of Allowance.

No fee or petition is believed due for the filing of this response. However, if any fee or petition is due, the petition should be considered provisionally applied for and the fee should be charged to Deposit Account 23-2053.

Respectfully submitted,



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